



March 15, 2010

U.S. Army Corps of Engineers
Attn: CECW-CE, Douglas J. Wade
441 G Street, NW
Washington, DC 20314-1000

Re: Docket Number COE-2010-0007

Dear Mr. Wade:

Thank you for the opportunity to provide comments in regard to the February 9, 2010 proposal by the Army Corps of Engineers (Corps) to revise its policy regarding regional variances from the national standards for vegetation management on levees that are part of the Public Law (PL) 84-99 program. We are writing to you on behalf of the King County Flood Control Zone District Advisory Committee, a 15-member group of elected officials established in 2007 under Washington state law and King County code to provide guidance on flood risk reduction policies and priorities to the King County Flood District Board of Supervisors. The Advisory Committee includes representatives from the following local entities:

- City of Auburn
- City of Bellevue
- City of Carnation
- City of Federal Way (representing the Suburban Cities Association)
- City of Kenmore (representing the Suburban Cities Association)
- City of Kent
- City of Kirkland (representing the Suburban Cities Association)
- King County
- City of Maple Valley (representing the Suburban Cities Association)
- City of North Bend
- City of Renton
- City of Seattle
- City of Tukwila
- Maple Valley Unincorporated Areas Council (representing six Unincorporated Area Councils in King County)

We respectfully express our dissatisfaction with the Corps' proposed revisions. The Advisory Committee is strongly invested in ensuring that limited public funds are spent effectively and efficiently to reduce flood risks and implemented consistent with local, state, and federal environmental requirements such as the federal Clean Water and Endangered Species Acts. Local governments in the Puget Sound region continue to be caught between conflicting federal mandates: we are required to degrade riparian areas identified as critical habitat for federally

listed species so that we can retain our eligibility for federal PL 84-99 funding for critical public safety projects. In other words, to comply with one federal mandate we must violate another. We simply cannot afford these conflicting mandates, these conflicting public messages, and this ongoing inefficient expenditure of limited public dollars. Nor can we afford the federal ESA legal liability that is effectively passed on to local governments by the continued lack of consultation and coordination between federal agencies.

The King County Flood Control District Advisory Committee requests that:

- The Corps consult with the National Marine Fisheries Service (NMFS) and the United States Fisheries and Wildlife Service (USFWS) regarding the impacts of the Corps' levee vegetation requirements on species listed under the federal ESA. We note that in a 2003 letter to the Corps, NMFS found that Corps levee vegetation maintenance program was "likely to adversely affect" listed fish species, and we encourage to Corps to re-initiate this consultation.
- The Corps withdraw the current proposal and base any future policy changes regarding vegetation management on scientific research, which the Corps committed to at the Corps-sponsored symposium, "An Examination of Levee Vegetation Policy," held in February 2009 in Renton, Washington.
- The Corps allow the current Seattle District regional variance to remain in place until collaborative research regarding the effects of vegetation on levees in the Pacific Northwest can be completed.
- The Corps consider local conditions and opportunities in its vegetation management policies.

If you would like to discuss this matter further, please do not hesitate to contact Mark Isaacson, Manager of King County's Water and Land Resources Division in the Department of Natural Resource and Parks, at 206-296-6587.

Sincerely,



Mayor Suzette Cooke
City of Kent
Chair, King County Flood Control District
Advisory Committee



Deputy Mayor Joan McBride
City of Kirkland
Co-chair, King County Flood Control
District Advisory Committee

cc: Honorable Patty Murray, United States Senator
Honorable Maria Cantwell, United States Senator
Honorable Jim McDermott, United States Congressman
Honorable Adam Smith, United States Congressman
Honorable Jay Inslee, United States Congressman

Honorable Rick Larson, United States Congressman
Honorable Dave Reichert, United States Congressman
Honorable Christine Gregoire, Governor, Washington State
Honorable Pete Lewis, Mayor, City of Auburn, King County Flood Control District
Advisory Committee
Honorable Don Davidson, Mayor, City of Bellevue, King County Flood Control District
Advisory Committee
Honorable Lee Grumman, Mayor, City of Carnation, King County Flood Control
District Advisory Committee
Honorable Mike Park, Councilmember, City of Federal Way, King County Flood
Control District Advisory Committee
Honorable Glenn Rogers, Councilmember, City of Kenmore, King County Flood
Control District Advisory Committee
Honorable Bill Allison, Mayor, City of Maple Valley, King County Flood Control
District Advisory Committee
Honorable Kenneth Hearing, Mayor, City of North Bend, King County Flood Control
District Advisory Committee
Honorable Denis Law, Mayor, City of Renton, King County Flood Control District
Advisory Committee
Honorable Mike O'Brien, Councilmember, City of Seattle, King County Flood Control
District Advisory Committee
Honorable Matt Larson, Mayor, City of Snoqualmie, King County Flood Control
District Advisory Committee
Honorable Jim Haggerton, Mayor, City of Tukwila, King County Flood Control District
Advisory Committee
Honorable Bill Peloza, Councilmember, City of Auburn, King County Flood Control
District Advisory Committee
Honorable Tim Clark, Councilmember, City of Kent, King County Flood Control
District Advisory Committee
Honorable Bill Thomas, Councilmember, City of Algona, King County Flood Control
District Advisory Committee
Honorable Wayne Snoey, Councilmember, City of Covington, King County Flood
Control District Advisory Committee
Honorable Robert Lee, Councilmember, City of Lake Forest Park, King County Flood
Control District Advisory Committee
Honorable Mike Cero, Councilmember, City of Mercer Island, King County Flood
Control District Advisory Committee
Dick Bonewits, King County Flood Control District Advisory Committee
Honorable Dow Constantine, King County Executive
BG William Rapp, Commander and Division Engineer, US Army Corps of Engineers,
Northwestern Division
Col. Anthony Wright, Commander and District Engineer, US Army Corps of Engineers,
Seattle District
Edward Hecker, Contingency Operations, Northwestern Division Regional Integration

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Team, Headquarters, US Army Corps of Engineers

Peter Rabbon, Director, National Flood Risk Management Program, Institute for Water Resources, US Army Corps of Engineers

Witt Anderson, Director, Programs Directorate, US Army Corps of Engineers, Northwestern Division

Doug Weber, Levee Safety Program Manager, US Army Corps of Engineers, Seattle District

Barry Thom, Acting Regional Administrator, Northwest Region, NOAA Fisheries

Steven Landino, Director, Washington State Habitat Office, Habitat Conservation Division, National Marine Fisheries Service

Kenneth Berg, Manager, Western Washington Field Office, US Fish and Wildlife

Tom Eaton, Director, Washington Operations Office, US Environmental Protection Agency

Brian Cladoosby, Chairman, Swinomish Indian Tribal Community

Josh Baldi, Special Assistant to the Director, Washington Department of Ecology

Bridget Moran, Environmental Policy Lead, Washington State Department of Fish and Wildlife

Bob Burns, Interim Director, King County Department of Natural Resources and Parks (DNRP)

Mark Isaacson, Division Director, Water and Land Resources Division, DNRP

Kjristine Lund, Executive Director, King County Flood Control District

Karen Goroski, Suburban Cities Association